

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Jesse Randolph Modlin**

**Docket No. 5:13-CR-246-1FL**

**Petition for Action on Probation**

COMES NOW Keith W. Lawrence, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jesse Randolph Modlin, who, upon an earlier plea of guilty to Driving While Impaired-Aggravated Level 1, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1 and 179(f3), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on February 9, 2016, to a 48-month term of probation under the conditions adopted by the court. As a result of the defendant testing positive for cocaine on July 19, 2016, a Violation Report was forwarded to the court.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** As a special condition of probation, the court ordered that the defendant serve 120 days of intermittent confinement. The Bureau of Prisons (BOP) was hesitant about designating the defendant to serve 120 days on the weekends but eventually agreed to the proposed schedule. To date, the defendant has completed 99 days of confinement, but due to the defendant missing weekends on September 16, 2016, January 6, and January 27, 2017, the BOP has terminated the defendant's jail placement. I have spoken with Residential Reentry Specialist Todd Meadows with the BOP about the defendant's situation, but he has refused to reschedule the missed jail time and, furthermore, has cancelled his remaining four weekends. Mr. Meadows advised that he would be willing to reschedule the 21 days if the court orders the days to be served consecutive. The defendant missed two weekends due to no transportation and the weekend of January 6 the area had a winter storm. The defendant's only mode of transportation was a moped, which was recently stolen. The defendant is in the process of repairing another moped. As the BOP is unwilling to reschedule the defendant's jail time to be served intermittent, it is respectfully recommended that the remaining 21 days of intermittent confinement be stricken and the defendant's probation be modified to include 30 days of curfew. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. As your Honor may remember, the defendant was released from state prison to pretrial supervision and was homeless. During the defendant's supervision he has remained transient, but has recently secured his most stable residence plan to date. Modlin has maintained employment with Owens Transmission as an uncertified mechanic and is paid approximately \$150 per week. With the defendant's current income and unstable residence plan, the defendant has been unable to make any payments toward his special assessment and fine. We will continue to monitor his financial ability to pay and encourage the defendant to pay toward his outstanding obligation. Furthermore, the court ordered the defendant to provide a status report of what he has learned and what he has done after 12 months of probation. I am attaching the letter that the defendant has prepared for the court.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

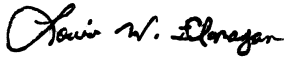
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Michael C. Brittain  
Michael C. Brittain  
Supervising U.S. Probation Officer

/s/ Keith W. Lawrence  
Keith W. Lawrence  
Senior U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: 910-354-2538  
Executed On: February 1, 2017

**ORDER OF THE COURT**

Considered and ordered this 1st day of February, 2017, and ordered filed and  
made a part of the records in the above case.



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Louise W. Flanagan  
U.S. District Judge